

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1400

Introduced by Assembly Member Wolk

February 21, 2003

An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1400, as amended, Wolk. Housing: accessibility.

(1) The existing State Housing Law requires the Department of Housing and Community Development, in consultation with specified state agencies, to develop guidelines and at least one model ordinance for new construction and home modifications that are consistent with particular principles of universal design or other similar design guidelines to enhance housing for, among others, persons with disabilities. Commencing January 1, 2005, a city, county, or city and county may, by ordinance, modify code requirements if it determines that it is reasonably necessary and substantially the same as the guidelines or model ordinance. Existing law also encourages developers of housing for senior citizens, persons with disabilities, and others, in a city or county where a universal design ordinance has not been adopted, to seek information regarding the principles of universal design, and authorizes the California Department of Aging, in partnership with specified entities, to develop and provide consumer advice regarding home modification for seniors and persons with disabilities.

This bill would, within the State Housing Law, require a developer of any new *unconstructed* residential housing development to offer a buyer, at the buyer's expense, the option of making the home entrance, ~~if topographically feasible, and the~~ kitchen, and bathrooms, fully accessible to persons with disabilities. *The bill would identify specific features that a developer may offer.* Because a violation of the State Housing Law is a misdemeanor under other provisions, the bill would create a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17959.6 is added to the Health and
2 Safety Code, to read:
3 17959.6. (a) A developer of any new *unconstructed* for-sale
4 residential housing development, *including, but not limited to, a*
5 *single family dwelling, duplex, triplex, townhouse, condominium,*
6 *or other homes,* shall offer a buyer, at the buyer's expense, the
7 option of including in the new home universal accessibility
8 features that would make the home entrance, the kitchen, and the
9 bathrooms fully accessible to persons with disabilities. ~~If~~
10 ~~topographically infeasible, an accessible entrance need not be~~
11 ~~offered as an option.~~
12 (b) *Specific features that a developer may choose to offer to*
13 *effectuate the purpose of this section shall include, but are not*
14 *limited to, the following:*
15 (1) *General adaptations.*
16 (A) *An accessible path of travel to the dwelling.*
17 (B) *A maximum one-half inch vertical change in level at*
18 *thresholds.*
19 (C) *Thirty-two inch clear space for interior doors.*
20 (D) *Strike edge clearance at doors (18 inches for interior doors*
21 *and 24 inches for exterior doors).*



- 1 (E) *Lever door hardware.*
- 2 (F) *An entry door sidelight or high or low peep hole viewer.*
- 3 (G) *A doorbell at 48 inches maximum height in an accessible*
- 4 *location.*
- 5 (H) *Visual fire alarms and visual doorbells.*
- 6 (I) *Switches, outlets, and thermostats at 15 inches to 48 inches*
- 7 *above the floor.*
- 8 (J) *Rocker light switches.*
- 9 (K) *Closet rods and shelves adjustable from three feet to five*
- 10 *feet six inches high.*
- 11 (L) *A residential elevator or lift.*
- 12 (2) *Kitchen adaptations.*
- 13 (A) *A 30 inch by 48 inch clear space at appliances or a 60 inch*
- 14 *diameter clear space.*
- 15 (B) *Removable base cabinets at the sink.*
- 16 (C) *Repositioning countertop height to 28 inches.*
- 17 (D) *Lever controls at kitchen sink faucet.*
- 18 (E) *Base cabinets with pullout shelves.*
- 19 (F) *Base cabinets with Lazy Susans.*
- 20 (G) *Contrasting color edge border at countertops.*
- 21 (H) *A microwave oven at countertop height.*
- 22 (I) *Under cabinet task lighting.*
- 23 (3) *Bathroom adaptations.*
- 24 (A) *Installation of grab bar backing in walls.*
- 25 (B) *Installation of grab bars.*
- 26 (C) *A five-foot diameter turning circle.*
- 27 (D) *A 36 inch by 36 inch or 30 inch by 48 inch clear space.*
- 28 (E) *Lavatory with lever faucet controls.*
- 29 (F) *An open-front lavatory with knee space and protection*
- 30 *panel.*
- 31 (G) *Contrasting color edge border at countertops.*
- 32 (H) *Anti-scald devices on all plumbing fixtures.*
- 33 (I) *A 17 inch to 19 inch high water closet seat.*
- 34 (J) *A roll-in shower in lieu of standard tub or shower.*
- 35 (K) *A shower stall with four-inch lip in lieu of a standard tub.*
- 36 (L) *An adjustable hand-held shower head.*
- 37 (c) *Each developer subject to this section shall establish,*
- 38 *maintain, and provide to each buyer a list indicating all of the*
- 39 *following:*



1 (1) *The features listed in subdivision (a) that are available to*
2 *buyers and whether each feature is standard, limited, or optional.*

3 (2) *The features that are not available at a particular*
4 *development.*

5 (3) *At what point in the construction process the buyer must*
6 *notify the developer that he or she wishes to purchase the features.*

7 (4) *The price charged for each feature offered by the developer.*
8 *The price shall not exceed the actual cost of materials and labor*
9 *necessary to provide the feature plus a profit proportionate to that*
10 *which the developer derives from the overall project.*

11 (d) *If a local jurisdiction adopts a model ordinance developed*
12 *pursuant to Section 17959 that requires developers to provide*
13 *standard or optional accessibility features in homes described in*
14 *subdivision (a), the list of features that may be provided pursuant*
15 *to subdivision (b) is only required to include features beyond those*
16 *provided for in the ordinance.*

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

